IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 26457 of 2003

Between:

G. Narsimhulu, S/o G. Narayana,
C/o E.Krishnaiah Gowd, Age : 42 yrs,

Occ: Driver (E.No.201311), R/o. H.No.1-81,

Kondurgu Village, Post & Mandal Shadnagar,

Mahaboobnagar District.

..... PETITIONER

AND

1.The Depot Manager, A.P. S.R.T.C.,
Falaknuma Depot, Hyderabad.

2.The Divisional Manager, A.P.S.R.T.C.,
Charminar Division, Hyderabad.

3.The Regional Manager, A.P.S.R.T.C.,
Hyderabad City Region, Hyderabad.

4.The Hon'ble Industrial Tribunal-II,

Rep by its Presiding Officer, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or Direction, more particularly one in the nature of Writ of

Mandamus declaring the act of the Respondents Nos. 1 to 3 is illegal, arbitrary and in violation of Article 21 of the Constitution of India and against the Principles of natural justice and also direct the Respondents 1 to 3 to reinstate the petitioner with all consequential benefits, including back-wages and other benefits.

Counsel for the Petitioner: MR.V.SANKARA RAO

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court made the following:

ORDER:

This writ petition is filed seeking declaration that the act of the respondents 1 to 3 is illegal, arbitrary and in violation of Article 21 of the Constitution of India and against the principles of natural justice and also direct the respondents 1 to 3 to reinstate the petitioner with all consequential benefits, including back wages.

2. On the allegation that the petitioner was absent from duties from 28.12.1993 to 16.01.1994, a charge sheet has been issued. A regular departmental enquiry was conducted and the Disciplinary Authority imposed punishment of removal from service. On appeal the removal order of petitioner was dismissed. Then the petitioner filed a statutory review before the Regional Manager-respondents Corporation. When review petition is pending, the writ petitioner raised dispute under Section 2(a)(ii) of the Industrial Dispute Act, 1947, which was numbered as I.D.No.57 of 2002 (old I.D.No.91 of 2000). On the ground of review petition was pending at the time of filing of the application, the said I.D. was dismissed as infructuous. The revision petition filed by the petitioner before the third respondent was partly allowed setting aside the order passed by the Disciplinary Authority dated 19.5.1994.

3. The grievance of the petitioner is that in pursuance of the said order, the petitioner was not reinstated into service. It is also the grievance of the petitioner that the said order of the Reviewing Authority has not communicated to him so as to take further action. The petitioner also gave representation-dated 29.10.2003 to the respondents to take him into service in pursuance of the orders passed by the Reviewing Authority. A decision has to be taken by the respondents 1 to 3 by virtue of the

orders passed by the Reviewing Authority.

4. Hence, the writ petition is disposed of directing the respondents 1 to 3 to take appropriate action and pass orders on the representation of the petitioner dated 03.11.2003 or in view of the matter they have to take further action in pursuance of the orders passed by the Reviewing Authority within a period of two months from the date of receipt of a copy of this order. No costs.

_____

K.C.BHANU,J.

Date: 13th July 2005.

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Depot Manager, A.P. S.R.T.C.,
Falaknuma Depot, Hyderabad.

2.The Divisional Manager, A.P.S.R.T.C.,
Charminar Division, Hyderabad.

3.The Regional Manager, A.P.S.R.T.C.,
Hyderabad City Region, Hyderabad.

4.The Presiding Officer, Hon'ble Industrial

Tribunal-II, Hyderabad.

5. Two CD copies

6. 1 CC to MR.SANKARA RAO

*Form-NIC-OGS/WP{**MADHURI**}*